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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : John CRESCENTI et al.

Serial No. : 09/354,058 Examiner: Ella Colbert

Filed : July 15, 1999 Group Art Unit: 2172

Title : HIERARCHICAL BACKUP AND RETRIEVAL  
SYSTEM

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO EXAMINER INTERVIEW**

Sir:

This paper is filed further to the Request for Continued Examination filed September 10, 2004, the interview with Examiner held November 16, 2004, and the Final Office Action dated July 12, 2004. Although a complete response to the Final Office Action dated July 12, 2004 is not required at this time in view of the Request for Continued Examination filed September 10, 2004, applicants provide the following arguments in response to issues raised in the Office Action which were discussed at the interview with the Examiner.

**Remarks** begin on page 2 of this paper.



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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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|--|-----------------------------|-------------------------------|--------|
| <b>TRANSMITTAL FORM</b><br><i>(to be used for all correspondence after initial filing)</i> | <b>Application Number</b>   | 09/354,058                    |        |
|  | <b>Filing Date</b>          | July 15, 1999                 |        |
|  | <b>First Named Inventor</b> | Crescenti                     |        |
|  | <b>Group Art Unit</b>       | 2172                          |        |
|  | <b>Examiner Name</b>        | E. Colbert                    |        |
| <b>Total Number of Pages in This Submission</b>  | 4                           | <b>Attorney Docket Number</b> | 4982/5 |

| ENCLOSURES (check all that apply)   |   |   |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form<br><br><input type="checkbox"/> Fee Attached<br><br><input checked="" type="checkbox"/> Response to Examiner Interview<br><br><input type="checkbox"/> After Final<br><br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Response to Missing Parts/Incomplete Application | <input type="checkbox"/> Assignment Papers (for an Application)<br><br><input type="checkbox"/> Drawing(s)<br><br><input type="checkbox"/> Declaration for Utility or Design Patent Application<br><br><input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition<br><br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><br><input type="checkbox"/> Power of Attorney<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br><b>- return receipt postcard</b> |
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| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |                                       |
|--|---------------------------------------|
| <b>Firm or Individual name</b>             | Pristine Johannessen, Reg. No. 55,302 |
| <b>Signature</b>                           |                                       |
| <b>Date</b>                                | December 16, 2004                     |

| CERTIFICATE OF MAILING   |                      |             |                   |
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| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: December 16, 2004 |                      |             |                   |
| <b>Typed or printed name</b>   | Pristine Johannessen |             |                   |
| <b>Signature</b>   |                      | <b>Date</b> | December 16, 2004 |

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